City of Roswell Planning & Zoning Commission Agenda
Tuesday, March 24, 2020 at 6:00 PM
Meeting Room A, Roswell Convention & Civic Center
912 N Main Street, Roswell, NM

Chair: Riley Armstrong; Vice Chair: David Storey; Secretary: Jesse McDaniel
Members: Kent Taylor, Saul Aguilar, James MacCornack, Jana Lessard

Engineering & PW Director, Louis Najar, P.E.;
Community Development Director: William Morris, AICP, CZO;
Planning & Zoning Administrator: Merideth Hildreth, AICP;
Planning & Zoning Technician: Miguel Martinez, CZO

A. Call to Order
B. Roll-Call
C. Swearing In
D. Approval of the Agenda
E. Approval of the February 25, 2020 P&Z Regular Meeting Minutes
F. Public Hearing Items


G. Other Business
H. Public Comments
I. Reports/Announcements
J. Adjourn

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 19-37.

NOTICE OF POTENTIAL QUORUM – A quorum of the City Council may or may not attend, but there will not be debate by the City Council, and no action will be taken.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Printed and posted: March 20, 2020
Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 19-37.

A. CALL TO ORDER AND WELCOME – Chair Riley Armstrong
The regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Armstrong.

B. ROLL-CALL
Riley Armstrong (Chair) PRESENT
David Storey PRESENT
Kent Taylor PRESENT
Jesse McDaniel PRESENT
Saul Aguilar PRESENT
Jana Lessard PRESENT
James MacCornack PRESENT

Staff Members Present:
Louis Najar, PE, Director of Engineering & Public Works
William Morris, AICP, CZO, Director of Community Development
Merideth Hildreth, AICP, Planning & Zoning Administrator
Miguel Martinez, CZO, Planning & Zoning Technician

Audience Members Present:

C. SWEARING IN: Chair Armstrong swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

Commissioner Storey MOTIONED to approve the agenda of the Planning & Zoning Commission Meeting for Tuesday, February 25, 2020 as presented. Seconded by Commissioner Taylor. The motion passed by a voice vote of seven to zero.
E. MINUTES: Consider approval of the January 28, 2020 P&Z Regular Meeting Minutes
Commissioner Lessard MOTIONED to approve the Regular Planning & Zoning
Commission regular meeting minutes for the January 28, 2020 as written. Seconded by
Commissioner Storey. The motion passed by a voice vote of seven to zero.

F. PUBLIC HEARING ITEMS:

1. CASE 19-024 SUP: A request for a Special Use Permit for Multi-Family in C-2 (Community
Commercial Zoning District) with a Variance for the Number of Required Parking Spaces.
MAIN STREET (OWNER: TIERRA REALTY TRUST, LLC). (Per Article 3, Section 8(E) of the
Roswell Zoning Ordinance, Applicant and Staff are requesting this item remain tabled for
up to six months to allow time for additional preparation on the case.)

Chair Armstrong introduced Case 19-024, a request to approve a Special Use Permit for
multi-family apartments in the C-2 zoning district.

1st and 2nd Cases 19-024 and 19-025 need to be tabled until further motion

MOTION – 19-024 SUP

Commissioner McDaniel made a motion to table Case 19-024 and Case 19-025 until
further notice. Seconded by Commissioner Aguilar. Mr. Morris: Wants the public to be
aware that these cases will be readvertised and notices sent out. The motion passed
by a voice vote seven to zero.

2. CASE 19-025 SUP: A request for a Special Use Permit for Multi-Family in C-2 (Community
Commercial Zoning District) with a Variance for the Number of Required Parking Spaces.
Subd: SOUTH ROSWELL Block: 5 Lot: 13 AND:- Lot: 15 AND:- Lot: 17 AND:- Lot: 19 AND:- Lot:
21 AND:- Lot: 23 N 60 FT AND:- Lot: 25 N 60 FT AND:- Lot: 27 N 60 AND:- Lot: 29 N 60 FT
AND:- Lot: 31 N 60 FT , , , , , , , , BK: 326 PG: 566 REC. ADDRESS: 300 S VIRGINIA AVENUE
(OWNER: TIERRA REALTY TRUST, LLC). (Per Article 3, Section 8(E) of the Roswell Zoning
Ordinance, Applicant and Staff are requesting this item remain tabled for up to six months
to allow time for additional preparation on the case.)

Chair Armstrong introduced Case 19-025, a request to approve a Special Use Permit for
multi-family apartments in the C-2 zoning district.

MOTION – 19-025 SUP

Commissioner McDaniel made a motion to table Case 19-024 and Case 19-025 until
further notice. Seconded by Commissioner Aguilar. Mr. Morris: Wants the public to be
aware that these cases will be readvertised and notices sent out. The motion passed
by a voice vote seven to zero.

Chair Armstrong introduced Case 20-004, a request for a change in zoning for approximately 20 acres from R-2 and R-3 to C-2 in the 3200 Block of South Main Street.

Commissioner Storey Recused himself from 20-004.

Commissioner Aguilar made a MOTION to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 20-004. Seconded by Commissioner McDaniel. The motion passed by a voice vote of six to zero. (Storey recused)

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-004?

In Favor: Freddy Nasrallah: Wants to develop a multi-purpose commercial building and a motel. 
Chair Armstrong: Looks like one of your applications if for Residential to RV Park and the other one.
Mr. Nasrallah: The RV Park parcel is the next zoning case.
Chair Armstrong: Where is the metal building going to be located?
Mr. Nasrallah: On the very back.
Chair Armstrong: What about the easement north of the property?
Mr. Nasrallah: That is where I will build a road.
Chair Armstrong: Will there would be egress and ingress from the alley?
Mr. Nasrallah: No.
Chair Armstrong: Asked Mr. Najar to address traffic per the protest letter.
Mr. Najar: The median crossing will be allowed but must be engineering and a study. To follow up on your comments, there will be a 60’ wide street built to city specs. No access to alley except for trash. Infrastructure to the sewer is available in the sewer. South Main is a major arterial. You can expect traffic to increase upon development.

Chair Armstrong: Is there anyone wishing to speak against Case: 20-004? 
Against: None

Staff Comments:
Mr. Morris: This property is a request to convert existing residentially zoned properties to C-2. There is a C-2 Corridor Industrial high intensity use. Rezoning is compatible with high intensity use. Staff is recommending approval.

Mr. Najar: Regarding opposition letter referring to the street light, I understand the concerns. The median opening with turning lanes should suffice 34’ wide residential street to service the hotel and RV Park. Engineering supports.

MOTION – 20-004 ZOC
Commissioner McDaniel made a motion to approve Case Number 20-004 along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening. Second by Commissioner Lessard. The motion carried by a voice vote of six to zero (with Commissioner Storey recusing himself).


Chair Armstrong introduced Case 20-005, a request for a change in zoning for approximately 5 acres from R-2 and R-3 to RVP in the 3100 Block of South Main Street.

Commissioner Storey recused himself.

Commissioner Aguilar made a MOTION to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 20-005. Seconded by Commissioner McCornack. The motion passed by a voice vote of six to zero.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-005?

In Favor: Freddy Nasrallah: Wants to do an RV Park. The center of the property will have bathrooms and a game room.
Joletha Alford: Thinks she’s in favor and has some specific questions. Will there be a solid wall on their side of the alley? How will I trash collection happen, will it happen inside the park or in the alley? Will there be a site manager? I’m glad the developer is a local. Will there be a time limit for stays?

Chair Armstrong: There will be a solid wall around the property. Will trash be collected by the city in the alley?

Mr. Najar: It may behoove the City to do trash collection inside the RV Park and inside the Commercial area to the south.

Mr. Nasrallah: I plan to have a site manager. There will be no longer term parking of RVs.

Chair Armstrong: Is there anyone wishing to speak against Case: 20-005?
Against: None

**Commissioner Aguilar:** Is there a certain amount of greenspace required?
**Mr. Morris:** There will have to be a landscaping plan submitted with the plans.
**Mr. Najar:** This is a concept only. The plan review will look at parking, turning radius, ADA parking, landscaping, and drainage.

**Staff Comments:**
**Mr. Morris:** Staff feels this use is compatible with the prevailing norms and uses in the area. Staff is still waiting on a site plan that must meet all criteria in the Zoning Ordinance. Staff recommends approval.
**Mr. Najar:** Engineering is supportive.

**MOTION – 20-005 ZOC**

Commissioner McDaniel made a motion to approve Case Number 20-005 along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening. Second by Commissioner Lessard. The motion carried by a voice vote of six to zero (with Commissioner Storey recusing himself).

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Chair Armstrong introduced Case 20-006, a request for a change in zoning for approximately 11.263 acres from C-2 to RVP on the property located at 501 E Pine Lodge Road. Commissioner Storey recused himself.

Commissioner Aguilar made a MOTION to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 20-006. Seconded by Commissioner Lessard. The motion passed by a voice vote of six to zero (with Commissioner Storey recusing himself).

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-006?

**In Favor: Tracy Lopez:** I am planning an RV Park on East Pine Lodge Road. All the spaces are designed for pull thru. Looking at naming it Antelope Crossing RV Park.
**Alex Palamino:** In your packet is the conceptual layout.
**Chair Armstrong:** Is there dirt work happening already?
**Mr. Palamino:** Dirt is being moved onto the site to build it up.
Chair Armstrong: Is there anyone wishing to speak against Case: 20-006?
Against: None

Staff Comments:
Mr. Morris: When Staff looked at this rezoning, we looked at this as a way to feather C-2 to residential, to step down the intensity. I find it compatible with the general intent of the area. Staff supports the request.
Mr. Najar: We have reviewed drainage, bringing in fill due to the floodplain. Sewer and water are available on Pine Lodge. Engineering is in full support of this project.

**MOTION – 20-006 ZOC**
Commissioner Lessard made a motion to approve Case Number 20-006 along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening. Second by Commissioner Aguilar. The motion carried by a voice vote of six to zero (with Commissioner Storey recusing himself).

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6. **TEXT AMENDMENT to ZONING ORDINANCE ARTICLE 4: DEFINITIONS SECTION 2: DEFINITIONS** to consider text amendment to modify the Zoning Ordinance.

Chair Armstrong Introduced Item 6: A Text Amendment to Article 4: Definitions in the Roswell Zoning Ordinance.

Mr. Martinez: Staff was looking at the definitions; we are proposing additional language for corner lots.

**MOTION – TEXT AMENDMENT**
Commissioner Storey made a motion to recommend approval of the text amendment to Zoning Ordinance Article 4, to amend the definition of Lot line, front as presented. Second by Commissioner Lessard. The motion passed by a voice vote of seven to zero.

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7. **TEXT AMENDMENT to ZONING ORDINANCE ARTICLE 12: R-1 RESIDENTIAL DISTRICT SECTION 2: USE REGULATIONS A. PERMITTED USES** - To consider text amendment to modify the Zoning Ordinance.

Chair Armstrong Introduced Item 7: A Text Amendment to Article 12: R-1 Residential District.

Staff: Ms. Hildreth: Staff recommends lots with setbacks 75’ or greater be allowed to build second structure in the R-1 zoning district. This allows non-conforming uses to be legal.
Mr. Morris: The additional units would have to be compatible with the Zoning Ordinance. This will allow second unit. Clean up the text to match some of the issues that staff often finds.
Commissioner Storey: How will utilities be handled?
Mr. Morris: Shared utilities on one parcel under one name. Lot size in R-1 is 6,000. It’s not the intent to create smaller lots. This is seen on interior lots in the older areas, and it would difficult to separate into multiple lots.

MOTION – TEXT AMENDMENT
Commissioner McDaniel made a motion to recommend approval of the text amendment to Zoning Ordinance Article 12: R-1 Residential District (as presented this evening.) Second by Commissioner Storey. The motion passed by a voice vote of seven to zero.

8. TEXT AMENDMENT to ZONING ORDINANCE ARTICLE 46: RVP RECREATIONAL VEHICLE PARK SECTION 2: GENERAL STANDARDS AND REQUIREMENTS To consider text amendment to modify the Zoning Ordinance.

Chair Armstrong Introduced Item 8: A Text Amendment to Article 46: RVP RECREATIONAL VEHICLE PARK.

Staff: Ms. Hildreth: Staff is recommending separating parking spaces for vehicles from parking pads for RVs.
Commissioner Storey: Some that strictly do pull thru parking limits perimeter spaces. This type of text amendment allows design and better use of the property.
Mr. Palomino: Consider the width is not changing from 25’ width. May wish to consider expanding the width and depth requirements. Minimum
Mr. Najar: Staff is seeing a possibility of 6 RV parks coming in. Staff is trying to be accommodating.

MOTION – TEXT AMENDMENT
Commissioner Storey made a motion to recommend approval of the text amendment to Zoning Ordinance Article 46: RVP Recreational Vehicle Park (as presented this evening). Second by Commissioner Aguilar. The motion passed by a voice vote of seven to zero.

G. NON-ACTION ITEMS

Planning & Zoning Commissioner Terms
(Partial Term 1/2011 – 3/31/2012)
Mr. Storey mentioned the Commission will need to elect new officers.

H. OTHER BUSINESS

I. PUBLIC COMMENTS

J. REPORTS/ANNOUNCEMENTS

K. ADJOURN
Chair Armstrong adjourned the meeting at 6:57 p.m.
EXHIBIT A: 20-007 VAR APPLICATION - 63 RIVERSIDE DRIVE
City of Roswell, New Mexico
Application for Variance

Type or Print in BLACK or BLUE ink only:

1. Sheila B Crossley
   Property Owner’s Name
   Address 63 Riverside Dr
   City/State/Zip Roswell NM 88203
   Phone # 975-914-8455

2. 
   Property Owner’s Name
   Address
   City/State/Zip
   Phone #

Agent’s Name
Address
City/State/Zip
Phone #

Circle Current Zoning District:
R-S R-1 R-2 R-3 R-4 RMS MHC
C-1 C-2 C-3 C-4 I-1 I-2 CO PUD

Physical Address and Legal Description of Proposed Property Area: (Lot/Block/Subdivision, Tract, Section-
Township/Range)
63 Riverside Dr

Reason for the Request: (Please attach extra sheet if necessary)
Variance for loft height above house
Loft addition to existing garage that will be 5’ Requesting yard setback variance to allow
loft addition to garage to be 5’ from property line

Structure Size in Square Feet

COMPREHENSIVE MASTER PLAN GENERAL DEVELOPMENT PLAN

  Residential Commercial Industrial Public
  Park & Open Space RS Overflight Area

DENSITY RESIDENTIAL:
Low/ approx. 5 du/net acre Mid/ approx. 9 du/net acre
High/ approx. 15 du/net acre

Specifications are listed on the Instructional Sheet. All documentation and fees shall be required at the time this application
is submitted, unless otherwise noted by Planning and Zoning Staff.
Application Fees are NON-REFUNDABLE.

By signing this document, I acknowledge that I have been informed of the dates, times, and locations of the meetings
for the Planning and Zoning Commission and City Council and that I and/or my agent shall attend the meetings in
order to fulfill the requirements of this application.

1. Property Owner’s Signature

2. Property Owner’s Signature

Agent’s Signature
APPLICATION: CASE 20-007 (VAR): REQUESTING A YARD SETBACK VARIANCE AND BUILDING HEIGHT VARIANCE IN R-1 RESIDENTIAL ZONING DISTRICT.

I. Property:

Property Location: 63 Riverside Drive

Legal Description: Subd: RIVERSIDE HEIGHTS Block: 35 Lot: 4 E 105' S 100.50' / W 10' E 105' N 60'
Quarter: SE S: 31 T: 10S R: 24E BK 674 PG 29 WD

Property Owner: Sheila B. Crossley

Request: Request for a 5’ variance to the north yard setback for a 15’X15’ (225 square foot) two-story loft addition to the garage and to allow the loft addition height to be 19’ tall and higher than the primary residential structure.

II. Site Data:

Site Area: The lot is approximately 10,500 square feet

UPC: 4134061473389000000

Existing Land Use: Primary Residential Structure with detached garage that historically had a small accessory dwelling in a portion of the garage structure.

Proposed Land Use: Retain primary residential structure and add a 225 square foot loft addition to garage which has had an accessory residential structure with existing plumbing under 300 square feet without a hood in the kitchen area.

Existing Zoning: R-1

<table>
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<tr>
<th>Table 1: Adjacent Existing Land Use and Zoning</th>
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<td><strong>Direction</strong></td>
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<td>North</td>
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<td>South</td>
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<td>East</td>
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<tr>
<td>West</td>
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EXHIBIT B: STAFF SUMMARY FOR CASE 20-007 (VAR)
63 RIVERSIDE DRIVE
(PAGE 2 OF 5)
III. **Intent of Petition:**

The property owner is requesting a yard variance in order to build a 19’ tall loft with a 15’X15’ 225 square foot footprint, and a variance to allow the loft to be taller than the principal residential structure per Article 50: Development Standards Section 2 Table (R-1) Setbacks and Section 2.C.

Article 50: Development Standards Section 2. Residential Districts C. “The required 10 foot side yard setback for a residential 2-story structure shall be measured from that portion of the building, as determined by the City Building Inspector, to the nearest side property line. Half-story containing independent living quarters or apartment shall be counted as a full story.”

Per the table in Article 50: Development Standards Section 2. Residential Districts, the interior side yard setback for 2 story structures is 10’.

IV. **Land Use and Zoning Considerations:**

1. The property under consideration is currently zoned R-1 Residential per the Zoning Map.

2. The existing garage is approximately 3’ from the north property line. A separate residential property is located on the north side of the property line. The set back on the site plan for the proposed loft is 5’ from the north property line.

3. The proposed loft will be 19’ tall, which is taller than the approximately 14’6” ridge of the house which is shown in the Google Earth May 2013 street view below.

4. The site plan below shows a 5’ yard setback from the north property line/fence line.
5. The architectural floor plan below shows the existing garage, the existing bathroom, the existing kitchen sink area, and the proposed artist studio loft addition. The primary house and garage are separated by a covered patio.

V. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.

2. Notification of the public hearing was mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.

3. This agenda which includes this case has been posted at City Hall and on the City of Roswell’s website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. At the time of this writing, the Planning & Zoning Office has received zero (0) written protests and zero (0) verbal protests.

VI. **Staff Recommendation:**
Based on the findings of fact; nature of the proposed land use consideration; lot size, conditions, and configuration; surrounding land uses and zoning districts; and the regulations established in the Zoning Ordinance; Staff recommends approval of Zoning Case 20-007 VAR to grant a 5’ setback variance for a loft addition and a height variance for the loft to exceed the height of the primary residential structure.

VII. **Action by the Planning & Zoning Commission:**
The Planning and Zoning Commission may make a motion to approve or deny this application based on Findings of Fact, Land Use and Zoning Considerations, and testimony and material introduced at the hearing, with or without specified conditions.
EXHIBIT C: LETTER NOTIFYING SURROUNDING PROPERTY OWNERS FOR
ZONING CASE 20-007 (VAR)

LETTER SENT VIA CERTIFIED MAIL ON MARCH 12, 2020 TO SURROUNDING PROPERTY OWNERS

CITY OF ROSWELL
COMMUNITY DEVELOPMENT DEPARTMENT
Planning & Zoning Office
PO Box 1838, Roswell, NM 88202-1838
415 N Richardson Avenue, Roswell, NM 88201
Telephone: (575) 637-6294 Fax: (575) 637-6277

RE: PUBLIC HEARING NOTICE for ZONING CASE 20-007 (VAR)

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of City of Roswell Planning & Zoning Case 20-007 VAR. The zoning case is a request for a variance to the north rear yard setback for the existing garage and a new loft addition to the garage and a variance for the loft height to be taller than the house in the R-1 Zoning District.

OWNER OF PROPERTY: Sheila B Crossley
PROPERTY LOCATION: 63 Riverside Drive
LEGAL DESCRIPTION: Subd: RIVERSIDE HEIGHTS Block: 35 Lot: 4 E 105' S 100.50' / W 10' E 105' N 60' Quarter: SE S: 31 T: 10S R: 24E BK 674 PG 29 WD

The City of Roswell Planning and Zoning Commission will hear public comments on the above zoning case on Date: TUESDAY, MARCH 24, 2020 at 6:00 p.m., in Meeting Room A at the Roswell Convention & Civic Center, located at 912 North Main Street. You are entitled, although not obligated, to comment either in writing to our office or in person at the hearing.

To be considered, written protests must be submitted to the Planning and Zoning Office no later than noon on the working day prior to the Planning and Zoning Commission meeting. Providing written input to the Planning and Zoning Office by noon on March 17, 2020 will allow your concerns to be addressed in the Staff Report. Comments provided by noon on March 23, 2020 will be provided to the Commissioners at the meeting. Written comments may be delivered to the Planning & Zoning Office at 415 North Richardson Avenue, or sent to: City of Roswell, Zoning Administrator, PO BOX 1838, Roswell, NM 88202-1838 or via email to m.hildreth@roswell-nm.gov or submitted in person to the Planning & Zoning Office.

The information packet for this zoning case will be available after 1:00 p.m., on Wednesday, March 18, 2020. You may inspect the information packet in detail at the Planning & Zoning Office located on the first floor of City Hall Annex at 415 North Richardson Avenue. The P&Z Packet may be viewed online at www.roswell-nm.gov. Copies of the information packet may be obtained from the Planning and Zoning Office at a cost of 35 cents per sheet. The City’s Zoning Ordinance is available online at: http://roswell-nm.gov/189/Planning-Zoning.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Respectfully,

Merideth Hildreth
Planning & Zoning Administrator

(Area Map on Reverse Side ➔)
CHAVES COUNTY ASSESSOR’S MAP IDENTIFYING PROPERTY UNDER CONSIDERATION AND PROPERTIES WITHIN NOTIFICATION AREA
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Address</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>1</td>
<td>SHEILA CROSSLEY</td>
<td>PO BOX 2909, ROSWELL, NM 88202</td>
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<td>2</td>
<td>AYAME ARCHULETTA</td>
<td>504 N LOUISIANA, ROSWELL, NM 88201</td>
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<tr>
<td>3</td>
<td>JON E HITCHCOCK</td>
<td>PO BOX 2930, ROSWELL, NM 88202</td>
<td>JON E HITCHCOCK, 67 RIVERSIDE DR, ROSWELL, NM 88201</td>
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<td>4</td>
<td>ERIC D MANN &amp; ASHLEY MANN</td>
<td>1508 HIGHLAND RD, ROSWELL, NM 88201</td>
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<tr>
<td>5</td>
<td>PETER L ATKINSON</td>
<td>1504 HIGHLAND RD, ROSWELL, NM 88201</td>
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<td>6</td>
<td>NICHOLE &amp; ANDREW LUEVANO</td>
<td>1502 HIGHLAND RD, ROSWELL, NM 88201</td>
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<td>7</td>
<td>LISA VERDI</td>
<td>703 DEBORAH DR, ROSWELL, NM 88201</td>
<td>LISA VERDI OR CURRENT OWNER, 1500 HIGHLAND RD, ROSWELL, NM 88201</td>
</tr>
<tr>
<td>8</td>
<td>PETER L ATKINSON OR CURRENT OWNER</td>
<td>1412 HIGHLAND RD, ROSWELL, NM 88201</td>
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<tr>
<td>9</td>
<td>WILLIAM &amp; SUE BRINEY</td>
<td>1406 HIGHLAND RD, ROSWELL, NM 88201</td>
<td>WILLIAM &amp; SUE BRINEY OR CURRENT OWNER, 1410 HIGHLAND RD, ROSWELL, NM 88201</td>
</tr>
<tr>
<td>10</td>
<td>JESSICA ATKINS &amp; CHRISTOPHER CORTEZ</td>
<td>403 VIALE BOND, ROSWELL, NM 88201</td>
<td></td>
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<tr>
<td>11</td>
<td>CITY OF ROSWELL</td>
<td>PO BOX 1838, ROSWELL, NM 88202</td>
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EXHIBIT A: 20-008 VAR APPLICATION FOR 2600 HIGHLAND ROAD

City of Roswell, New Mexico
Application for Variance

P & Z CASE NO. 20-008 VAR
DATE: 3.24.2020
Located in Historic District: ___Yes ___No
Flood Zone:

Type or Print in BLACK or BLUE ink only:

1. Tony S. pasa
   Property Owner’s Name
   Address 1401 Simpson Dr
   City/State/Zip Roswell, NM 88212
   Phone # 575-317-6917

2. Rosie R. Lara
   Property Owner’s Name
   Address Same
   City/State/Zip Same
   Phone # Same

Agent’s Name
Address
City/State/Zip
Phone #

Circle Current Zoning District:
R-S (R-1) R-2 R-3 R-4 RMS MHC
C-1 C-2 C-3 C-4 I-1 I-2 CO PUD

Physical Address and Legal Description of Proposed Property Area:
(For Lot/Block/Subdivision, Tract, Section-Township/Range)

2600 Highland Road
Subd: Lomitas Encantadas Block: 5 Lot: 1 AND - Lot: 2
E 10’, S: 36 T: 10S R: 23E BK: 52S PG: 912 WDJT

Reason for the Request: (Please attach extra sheet if necessary)
House built in 2010. Requesting variance for

Odd shaped lot.

Structure Size in Square Feet
X = ____________Sq. Ft.

Street Name(s)

Setback Requests for New Construction:

Comprehensive Master Plan General Development Plan
X Residential ___ Commercial ___ Industrial ___ Public
___ Park & Open Space ___ RS Overflight Area

Density Residential:
X Low/ approx. 5 du/net acre ___ Mid/ approx. 9 du/net acre
___ High/ approx. 15 du/net acre

Specifications are listed on the Instructional Sheet. All
documentation and fees shall be required at the time this application
is submitted, unless otherwise noted by Planning and Zoning Staff.
Application Fees are NON-REFUNDABLE.

By signing this document, I acknowledge that I have been informed of the dates, times, and locations of the meetings
for the Planning and Zoning Commission and City Council and that I and/or my agent shall attend the meetings in
order to fulfill the requirements of this application.

1. Property Owner’s Signature

2. Property Owner’s Signature

Agent’s Signature

[Image 0x0 to 792x612]
APPLICATION: CASE 20-008 (VAR): REQUESTING YARD SETBACK VARIANCES FROM THE WEST INTERIOR PROPERTY LINE AND THE EAST STREET SIDE YARD PROPERTY LINE FOR AN EXISTING PRIMARY RESIDENTIAL STRUCTURE IN THE R-1 RESIDENTIAL ZONING DISTRICT.

I. Property:

Property Location: 63 Riverside Drive


Property Owner(s): Tony J. Lara & Rosie R. Lara

Request: Request for a 3’ side yard variance from southwest corner of house to the west interior property line and a 16’7” street side yard variance on Minor Arterial (Sycamore Avenue) for an existing primary structure built c. 2010 on an odd shaped corner lot in the R-1 Residential Zoning District.

II. Site Data:

Site Area: The lot is approximately 10,527 square feet

UPC: 413306153398000000

Existing Land Use: Primary Residential Structure built c. 2010 and properly permitted.

Proposed Land Use: Same as Existing

Existing Zoning: R-1

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use:</th>
<th>Zoning:</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>R-1 (Residential)</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-1 (Residential)</td>
</tr>
<tr>
<td>East</td>
<td>First Church of the Nazarene</td>
<td>R-3 (Residential)</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>P-R (Parks &amp; Recreation)</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>R-1 (Residential)</td>
</tr>
</tbody>
</table>
EXHIBIT B: STAFF SUMMARY FOR CASE 20-008 (VAR)

2600 HIGHLAND ROAD
(PAGE 2 OF 6)

Source: Chaves County Assessor’s Map
III. Intent of Petition:
In order for this R-1 odd-shaped lot with non-conforming setbacks of an existing primary residential dwelling built c. 2010 to become legally non-conforming per the current Zoning Ordinance, the property owner is requesting the following yard variances due to encroachment in the setbacks:
1) A 3’ variance for the southwest corner of the house which was constructed 2’ from the west interior property line; and

2) A 16’7” street side yard variance for the eastern edge of the existing house that is encroaching in the 35’ street side yard setback established for corner lots in the R-1 on Minor Arterials (Sycamore Avenue)

Reference: Zoning Ordinance Article 50: Development Standards Section 2 Table (R-1) Setbacks and Section 2.C.

### ARTICLE 50: DEVELOPMENT STANDARDS

#### Section 1. Generally
Every building, structure and use hereafter constructed or established shall meet the following area, setback, and height requirements in addition to requirements set forth elsewhere in this Ordinance.

#### Section 2. Residential Districts
The minimum lot size and principal structure location requirements for residential uses in the R-S through R-4 zoning districts are as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Use</th>
<th>Minimum Lot Size</th>
<th>Front Yard setback required for Local or collector streets</th>
<th>Front yard setback required for arterial streets</th>
<th>Rear Yard setback required</th>
<th>Side Yard setback required for interior lots 1 story2 story</th>
<th>Street side yard setback required for Local or Collector 1 Arterial</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-S Rural Suburban</td>
<td>Single-family Residence</td>
<td>2.5 acres</td>
<td>25</td>
<td>35</td>
<td>20</td>
<td>5' 10</td>
<td>25' 35</td>
<td>35</td>
</tr>
<tr>
<td>R- VL Residential</td>
<td>Single-family Residence</td>
<td>21,780 SF</td>
<td>25</td>
<td>35</td>
<td>20</td>
<td>5' 10</td>
<td>25' 35</td>
<td>35</td>
</tr>
<tr>
<td>R- L Residential</td>
<td>Single-family Residence</td>
<td>10,880 SF</td>
<td>25</td>
<td>35</td>
<td>20</td>
<td>5' 10</td>
<td>25' 35</td>
<td>35</td>
</tr>
<tr>
<td>R- 1 Residential</td>
<td>Single-family Residence</td>
<td>6,000 S.F.</td>
<td>25</td>
<td>35</td>
<td>20</td>
<td>5' 10</td>
<td>25' 35</td>
<td>35</td>
</tr>
</tbody>
</table>
IV. Land Use and Zoning Considerations:

1. The property under consideration is an odd-shaped corner lot on Highland Road and Sycamore Avenue in the R-1 Residential Zoning District.

2. The City of Roswell Building Office issued a building permit No. 43811 on August 31, 2009. The Zoning Office approved a hand-drawn site plan on August 28, 2009 that shows a side yard setback of 7’ of the southwestern corner of the house from the west property line and a 25’ street side yard setback from the property line parallel to Sycamore Avenue. The Building Office issued a Certificate of Occupancy on August 6, 2010.

3. On December 19, 2019, Rains Surveying issued an Improvement Location Report showing a side yard setback of 2’ of the southwestern corner of the house from the west property line and a 18.5’ street side yard setback from the property line parallel to Sycamore Avenue.

4. Possibly due to the angle of the western lot line, the corner of the house was built encroaching into the interior side yard setback.

5. The most current Functional Street Classification Plan included in the 2016 Comprehensive Master Plan designates N Sycamore Avenue as a Minor Arterial which requires a 35’ street side yard setback in the R-1 Zoning District for corner lots. The 2005 Comprehensive Master Plan also designated N Sycamore Avenue as a Minor Arterial and the 1993 Zoning Ordinance also required the 35’ street side yard setback on corner lots on Minor Arterials.

6. The Rains Surveying Improvement Location Report is provided on page 5 of this Staff Summary. (The northeast corner of the house is approximately 22’ from the eastern property line and approximately 29’ from the curb.

V. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.

2. Notification of the public hearing was mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.
3. This agenda which includes this case has been posted at City Hall and on the City of Roswell’s website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.

4. As of the time of this writing, the Planning & Zoning Office has received zero (0) written protests and zero (0) verbal protests.

VI. **Staff Recommendation:**
Based on the findings of fact; nature of the proposed land use consideration; lot size, conditions, and configuration; surrounding land uses and zoning districts; and the regulations established in the Zoning Ordinance; Staff recommends approval of the interior and street side yard variances for Zoning Case 20-008 ZOC.

VII. **Action by the Planning & Zoning Commission:**
The Planning and Zoning Commission may make a motion to approve or deny this application based on Findings of Fact, Land Use and Zoning Considerations, and testimony and material introduced at the hearing, with or without specified conditions.
EXHIBIT C: LETTER NOTIFYING SURROUNDING PROPERTY OWNERS FOR ZONING CASE 20-008 (VAR)
LETTER SENT VIA CERTIFIED MAIL ON MARCH 12, 2020 TO SURROUNDING PROPERTY OWNERS

CITY OF ROSWELL
COMMUNITY DEVELOPMENT DEPARTMENT
Planning & Zoning Office
PO Box 1838, Roswell, NM 88202-1838
415 N Richardson Avenue, Roswell, NM 88201
Telephone: (575) 637-6294 Fax: (575) 637-6277

RE: PUBLIC HEARING NOTICE for ZONING CASE 20-008 (VAR)

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of City of Roswell Planning & Zoning Case 20-008 VAR. The zoning case is a request for a variance to the west interior side yard setback and east street side yard setback on an asymmetrical lot for the existing house built c. 2010 in the R-1 Zoning District.

OWNER OF PROPERTY: Tony J. Lara and Rosie R. Lara
PROPERTY LOCATION: 2600 Highland Road

The City of Roswell Planning and Zoning Commission will hear public comments on the above zoning case on Date: TUESDAY, MARCH 24, 2020 at 6:00 p.m., in Meeting Room A at the Roswell Convention & Civic Center, located at 912 North Main Street. You are entitled, although not obligated, to comment either in writing to our office or in person at the hearing.

To be considered, written protests must be submitted to the Planning and Zoning Office no later than noon on the working day prior to the Planning and Zoning Commission meeting. Providing written input to the Planning and Zoning Office by noon on March 17, 2020 will allow your concerns to be addressed in the Staff Report. Comments provided by noon on March 23, 2020 will be provided to the Commissioners at the meeting. Written comments may be delivered to the Planning & Zoning Office at 415 North Richardson Avenue, or sent to: City of Roswell, Zoning Administrator, PO BOX 1838, Roswell, NM 88202-1838 or via email to m.hildreth@roswell-nm.gov or submitted in person to the Planning & Zoning Office.

The information packet for this zoning case will be available after 1:00 p.m., on Wednesday, March 18, 2020. You may inspect the information packet in detail at the Planning & Zoning Office located on the first floor of City Hall Annex at 415 North Richardson Avenue. The P&Z Packet may be viewed online at www.roswell-nm.gov. Copies of the information packet may be obtained from the Planning and Zoning Office at a cost of 35 cents per sheet. The City’s Zoning Ordinance is available online at: http://roswell-nm.gov/189/Planning-Zoning.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Respectfully,

Merideth Hildreth
Planning & Zoning Administrator

(Area Map on Reverse Side ➔)
Note: Per Recent information from the Chaves County Assessor’s Office, Properties 7, 8, 9 are under the ownership of Jackie D. Atkins.
1
LARA, TONY J; LARA, ROSIE R
1401 SIMPSON DR
ROSWELL NM 88201

2.
FIRST CHURCH OF NAZARENE
501 N SYCAMORE AVE
ROSWELL NM 88201

3.
CITY OF ROSWELL
PO BOX 1838
ROSWELL NM 88202

4 & 5
ELWELL REVOCABLE TRUST; DON JR & BARBARA A TRUSTEES
720 S SUNSET AVE STE B
ROSWELL NM 88203

6.
SWENSON, GEORGE R; SWENSON, MYRA P
2602 HIGHLAND RD
ROSWELL NM 88201

7, 8 & 9
ATKINS, JACKIE D
500 N SYCAMORE AVE
ROSWELL NM 88201